

Exhibit 10

1 UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF OHIO

3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL PRESCRIPTION

6 OPIATE LITIGATION Case No.

7 1:17-MD-2804

8 APPLIES TO ALL CASES Hon. Dan A.

9 Polster

10 Case No. 1:17-MD-2804

11 - - -

12 January 17, 2019

13 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER

14 CONFIDENTIALITY REVIEW

15 Videotaped deposition of

16 DOUGLAS BOOTHE, held at 250 Hudson Street,

17 New York, New York, commencing at 9:00 a.m.,

18 on the above date, before Marie Foley, a

19 Registered Merit Reporter, Certified

20 Realtime Reporter and Notary Public.

21 - - -

22 GOLKOW LITIGATION SERVICES

23 877.370.3377 ph | 917.591.5672 fax

24 Deps@golkow.com

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1 Do you see that?

2 A. Yes.

3 Q. And then a little further down

4 there's a question from you: What can we

5 do to reestablish our script level over

6 26,000 per week?

7 A. Yes.

8 Q. And that was Kadian scripts?

9 A. It's not clear, but I think

10 that's a yes. But it could be Kadian and,

11 by the way, generic Kadian. I believe in

12 the August of 2011 time frame, there was

13 generic Kadian and our authorized generic.

14 So it's potential or probable it was both

15 combined, both branded Kadian and the

16 generic Kadian if, at that time, the

17 generic Kadian was available.

18 Q. Okay. And a little further down

19 you write: Have we scratched any ideas

20 around speakers forums?

21 Do you see that?

22 A. Yes.

23 Q. And, had you scratched any ideas

24 around speakers forum at that time for the

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1 promotion of Kadian?

2 A. I don't know.

3 Q. You don't recall learning that?

4 A. I think that's why I asked the

5 question had we. I was asking Nathalie,

6 this is something the team was

7 considering. I don't know if they did or

8 didn't or if they were or they weren't.

9 Q. Okay. Do you recall whether or

10 not Actavis used speakers forums to

11 promote Kadian at any time?

12 A. I don't believe we ever did.

13 Q. Okay. Do you recall any

14 discussions about that?

15 A. There may have been discussions

16 I may or may not have been part of. But,

17 again, at the end of the day, I don't

18 believe we ever did speakers forums for

19 this product.

20 I mean, we had a very finite

21 period of time from when we acquired the

22 asset to when we expected the generic

23 market to form. It's about six quarters.

24 So I -- we never were significantly

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1 invested. That's why we used a contract

2 sales organization. We tried to, again,

3 slow down the rate at which prescriptions

4 were declining. That was our plan.

5 Q. The contract sales organization

6 inVentiv?

7 A. Correct.

8 Q. And, do you recall using

9 speakers forums for other opioid products?

10 MS. WELCH: Objection to form.

11 A. We didn't -- I don't think we

12 ever -- well, we had plans to potentially

13 do some sort of speaker forum on the

14 Moxduo product, but that never got

15 approved by the FDA. So the programs

16 never went into -- into place. We had

17 done prelaunch planning on that. And

18 those are the only two items, both the

19 Kadian brand and the potential Moxduo,

20 which would have been in promotional

21 activities of Actavis. Moxduo was never

22 approved, and I don't believe we ever did

23 speaker forums on Kadian.

24 MS. BAIG: Okay. Good time to

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1 take lunch.

2 MS. WELCH: Okay.

3 MS. BAIG: How much time would

4 you like?

5 MS. WELCH: 45 minutes.

6 MS. BAIG: Sure.

7 THE VIDEOGRAPHER: We're going

8 off the record.

9 The time is 12:29 p.m.

10 (Luncheon recess taken.)

11 - - -

12 A F T E R N O O N S E S S I O N

13 - - -

14 THE VIDEOGRAPHER: We're going

15 back on the record.

16 The time is 1:17 p.m.

17 MS. BAIG: So, we'll have this

18 document marked as the next exhibit,

19 please.

20 It's Bates stamped

21 ACTAVIS1025294 through '297. It

22 starts as an email from Jennifer

23 Altier to Erin Faucette and Liz Reese

24 at an organization named Technekes.